

rupee court fee stamp being affixed to each vakalat, under Schedule II, Article V. That was hard.

Mr. K. Mytheen Pillai (Member, Nominated) said that there was no uniformity in the matter of levying court fees by the several Courts owing to an incorrect understanding of the Court Fees Regulation. Articles VI and VII of Schedule I prescribed fees ranging from a quarter of a rupee to two rupees for copies of decrees or orders having the force of a decree and the High Court had, in their Proceedings dated the 17th Kanni 1088, ruled that a stamp of that value need be affixed only at the time any of those copies were tendered as evidence. But in spite of the ruling, fees were being levied in many Courts and offices for *all* copies of such decrees and orders.

The want of uniformity was noticeable in the application of the other Articles also. For instance, in the Taluk Office and Munsiff's Court at Vilavancode, no court fee stamp was required to be affixed to the copies of records received under one application. In the Eraniel Taluk Cutcherry, a single half-rupee stamp was required for such copies. In the Kalkulam taluk, however, each record covered by the application was required to be stamped with a half-rupee stamp. Similarly, the practice varied from Court to Court in other matters. For the return of original documents filed in Courts, copies of them with a half-rupee stamp for each had to be furnished. That was very hard. The witnesses, who possessed the original documents, tried, therefore, not to obey the summonses from the Court and would not produce the records if they could help it, for fear of having to pay court fees. The result was that the litigant public lost the benefit of documentary evidence, most vital to their cases. The Member prayed that the fee for such copies should be abolished.

Again, in the Padmanabhapuram Principal Munsiff's Court, any application made for striking off a suit on receipt of the decree-amount was not charged, but a half-rupee stamp was required in the Additional Court at the same place. The same difference was noticeable in regard to applications for chellans. Fresh vakalats, duly stamped with half-a-rupee stamp, were required for execution proceedings and for conducting suits remanded under Section 537 of the Code of Civil Procedure. There was no justification for the demand, as the same vakils were conducting the cases.

In conclusion, the Member contended that, whatever might be the fees, uniformity should be enforced in the application of the Schedule, and he prayed for early action in the matter.

Dewan's reply.—Noted. The allegation of absence of uniformity in the matter of levying court fees by the several Courts and offices, will be enquired into.

(2) CRIMINAL JUSTICE.

28. The need for reform in the administration of Criminal Justice.

Mr. P. S. Maruthanayagam Pillai (Member, T. I. C., Padmanabhapuram) said that the subject was one that had been represented in previous sessions of the Assembly; but as the Government had done nothing, and as the subject was an important one, he ventured to bring it up again.

The Member said that his first plea was for the separation of the magisterial and executive functions. In other words, the administration of criminal justice should be taken away from the executive officers, and entrusted to separate officers, who should be placed under the High Court. The revenue officers in whom the magisterial functions were now vested were over-worked. They had not sufficient time to devote to the magisterial cases. Any delay in the disposal of criminal cases was also seriously noticed. All that affected the *quality* of disposal. The Tahsildar-Magistrates, therefore, often disposed of the cases in some way or other, to escape from punishment. The re-

sult was that justice was not properly administered and the people suffered much in consequence. To obtain relief by preferring appeals was equally futile. For, the appellate courts were also presided over by revenue officers, who had multifarious duties to attend to. There was also another evil in placing the magistrates under the executive officers. The magistrates were inclined to favour the Sirkar in the excise and forest cases and also the police charges, in which the Sirkar was a party; and the parties failed to get proper justice in such cases. The Member therefore requested that the judicial functions should be taken away from the executive officers and the magistracy placed under the control of the High Court.

The second point was in regard to the under-trial prisoners. The maxim of law was that they should be considered to be innocent until the contrary was established. But that wholesome principle was forgotten and the under-trial prisoners were now treated worse than the convicts. The latter were supplied with clothing and good meals. They were also allowed occasional baths and shave. There was a medical officer to take care of their health. None of those conveniences were enjoyed by the under-trial prisoners. It was also pretty well established that the increase in the sickness in the Central Prison was not a little contributed to by the contact of the inmates with the men coming to it from the Mofussil jails. He therefore requested that arrangements should be made to accord to the under-trial prisoners at least the same treatment as was given to convicts. He added that, though the question was being pressed from the Second Session, nothing had been yet done in the matter.

The Member next requested that the system of trial by jury should be introduced in Travancore. The question was not a new one, but had been under consideration since 1040. For some reason or other, the Bill introduced into the Legislative Council was thrown out. The people of British India were enjoying the privilege and it could not be contended that the people of the State were not fit to receive the same. He prayed that the matter might receive early attention.

Lastly, the Member said that juvenile offenders should not be tried by the ordinary Courts but separate Courts should be established for them. Under the present arrangement, the juveniles studied during the trial the ways and means of escaping conviction, and thereafter they committed several offences with a degree of boldness, and eventually they were the men who became hardened criminals. He advocated the creation of honorary magistrates for trying juvenile offenders.

Dewan's reply.—Noted. The question of the treatment of under-trial prisoners is under consideration.

29. The need for shifting the Stationary Magistrate's Court at Sherthallai to Kalavur.

Mr. M. K. Narayana Panicker (Member, Sherthallai taluk) said that the people experienced considerable inconvenience owing to the transfer of Ariyad (South and North) and Mararikulam South *pakuthies* from the jurisdiction of the Alleppey Town Magistrate to that of the Stationary Magistrate at Sherthallai. To obviate the difficulties, he had intended to move for the transfer of the Court from Sherthallai to Kalavur. But as the *pakuthies* had since been retransferred to the Alleppey Magistrate, he had nothing more to say.

Dewan's reply.—Noted.

30. Re-establishment of the Magistrate's Court at Kanjirappalli.

Mr. R. Krishna Panicker (Member, Peermade taluk) said that the Government had, as early as in 1040, established at Kanjirappalli a Police Amin's Court, which, in 1070, was altered to a Second Class Magistrate's Court. In 1083, it was made a Magistrate-Munsiff's Court; but, in 1088, to the utter disappointment of the people, the Magistrate's Court was transferred to Mundakayam. The hardships caused to the people by the transfer of the *pakuthies* of Kanjirappalli, Pon-